

**Lee County Board Of County Commissioners  
Agenda Item Summary**

Blue Sheet No. 2006-0001

**1. ACTION REQUESTED/PURPOSE:** Authorize settlement in Lee County v. David F. Kellum and Trudy K. Kellum, et al., Case No. 06CA1312.

**2. WHAT ACTION ACCOMPLISHES:** Settles all claims for compensation for condemnation of property, including attorneys fees and costs.

**3. MANAGEMENT RECOMMENDATION:** Approve settlement.

<b>4. Departmental Category:</b> 12			<b>A12B</b>		<b>5. Meeting Date:</b> <b>6-20-2006</b>	
<b>6. Agenda:</b>		<b>7. Requirement/Purpose: (specify)</b>		<b>8. Request Initiated:</b>		
<input type="checkbox"/>	Consent	<input type="checkbox"/>	Statute	<b>Commissioner</b>		
<input checked="" type="checkbox"/>	Administrative	<input type="checkbox"/>	Ordinance	<b>Department</b>		County Attorney
<input type="checkbox"/>	Appeals	<input type="checkbox"/>	Admin. Code	<b>Division</b>		Litigation
<input type="checkbox"/>	Public	<input checked="" type="checkbox"/>	Other	<b>By: Susan M. Henderson</b>		
<input type="checkbox"/>	Walk-On	<input type="checkbox"/>		Assistant County Attorney		

**9. Background:**

Lee County condemned Parcel 315, consisting of fee simple in two lots; one vacant corner lot totaling 10,500 sq. ft. and one lot improved with a historic residence totaling 7,350 square feet, and Parcel 606, consisting of a slope drainage easement, for the Imperial Street Widening (Project No. 4060). The date of taking is June 19, 2006. The vacant lot has been valued as \$200,000, the improved lot as \$170,000, the historic residence as \$125,000, and the slope drainage easement as \$5,000. That total is \$500,000. A settlement for that amount, therefore, avoids payment of business damages (owner runs a clay and ceramic sculpting business from the house and a studio outbuilding), relocation expenses, severance damages for the partial take, owners' attorneys fees, and any further expert fees.

The County Attorney and the City of Bonita Springs project manager recommend approval.

Funds available in string account no.: 20406063000.506110

**10. Review for Scheduling:**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
				<i>[Signature]</i>	Analyst	Risk	Grants	Mktg	<i>[Signature]</i>
					<i>RK</i>	<i>EW</i>	<i>UB</i>	<i>6/8/06</i>	<i>6/8/06</i>

**11. Commission Action:**

- Approved
- Deferred
- Denied
- Other

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COUNTY ADMIN FORWARDED TO:	<i>[Signature]</i>
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